DOCUMENT RESUME

ED 242 192 FL 014 184

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TITLE Legal and Ethical Implications for Teaching the Student Speaking Multiple Dialects.
PUB DATE 83
NOTE 10p.; Paper presented at the Annual Convention of the Speech Communication Association (Washington, DC, November 1983).
PUB TYPE Viewpoints (120) -- Speeches/Conference Papers (150)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Access to Education; *Acculturation; *Bidialectalism; Black Dialects; Constitutional Law; Court Litigation; Cultural Differences; *Dialects; Elementary Secondary Education; *Ethics; Language of Instruction; Language Variation; *Legal Problems; Legislation; North American English; Public Schools; *Second Language Instruction; Social Dialects

ABSTRACT

Until the 1880s, the language of instruction and that spoken by students was dictated by the culture of the community. Although public officials advised immigrants to use American English rather than their mother tongues, no legislation was enacted mandating English as the official language of education. However, with sizeable groups of immigrants arriving in the late 1800s, political issues and xenophobia brought about federal legislation and legislation in 32 states mandating English as the only language of instruction. By 1920 and until the 1960s, testing in English was used for screening people for employment and voting. Based on public laws of the last 20 years and results of court litigation, it appears educators must be careful to avoid systematic exclusion of culturally and/or linguistically different students from the learning experience due to either their inability to understand the language of instruction or the teacher's inability to appreciate their speech community. Although no student has a constitutional right to a specific educational experience, each is protected from denial of access to education because of language barriers. However, the tendency to Anglify students and eradicate language differences remains, preventing many students' full participation in the educational process. (MSE)

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LEGAL AND ETHICAL IMPLICATIONS FOR TEACHING THE STUDENT SPEAKING MULTIPLE DIALECTS

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A paper presented at the Speech Communication Association Convention
Washington, D.C.
1983

Legal and Ethical Implications for Teaching the Student
Speaking Multiple Dialects

Introduction

> The history of American education is marked by attempts to grapple with our "polyglot heritage". Giving lip service to our cultural and linguistic diversities is a lot simpler than using them as the basis for effective educational strategies. (Brisk, 1981, pp. 3)

Prior to the 1954 Brown vs. Kansas case which initiated desegregation of American schools on the basis of race, the use of multiple dialects in education was not an issue. Because Black students were educated in schools controlled and taught by Blacks their use of a home dialect in no way interfered with their ability to read, write, speak, and calculate. With the advent of integrated schools, which for the most part meant Black children taught by white instructors, multiple dialects in the classroom became a major issue in education.

Integrated schools brought many problems. Black parents and communities became increasingly alarmed with the decrease in academic achievement of Black students. Furthermore, they were disturbed by the proportion of Black students (1) failing to complete high school or (2) completing high school without adequate survival skills.

Some of the problems plaguing Black students were the result of the clash of two cultures, White and Black. Black students were told that in order to succeed they must shed all vestiges of their cultural identity, most importantly their Black linguistic behavior. Educators reported that Black dialect/Black vernacular/Black English/Ebonics was a barrier to the students' ability to learn to read and write. Therefore, a number of techniques were used to eradicate the use of Black dialect in the classroom.

The opening statement of this paper suggests that the controversy surrounding Black dialect in the classroom is a relatively recent phenomenon, which is true. However, disputes concerning linguistic diversity in American education have a long history. Though much of the controversy over linguistic diversity stemmed from the use of various languages as the medium of instruction, tracing the history of that controversy illuminates the present debate concerning Black dialect in the classroom.

Linguistic and Cultural Diversity in American Education

From the demise of the native American to the successive waves of immigration from Europe through World War I, English speaking inhabitants of America

have periodically moved to eradicate linguistic diversity (Brisk, 1981, pp. 3). In the aftermath of war between the Native Americans and White settlers very few Native Americans received formal education. Those that did were sent to boarding schools where they were required to disassociate themselves with their Indian heritage.

> Boarding schools created by the Bureau of Indian Affairs towards the end of the 19th century greatly endangered again the survival of native American languages and culture since their sole purpose was to isolate Indian children from their families in order to instruct them in western culture and the English language (Brisk , 1981, pp. 4; Wagner, 1981, pp. 34).

The first settlers of this country (before the Declaration of Independence) included people from France, Spain, Germany, Russia, and Britain (Wagner, 1980, pp. 29-49). Each group established their own speech communities and "Maintained their own schools using their own tongue as the language of instruction" (Brisk, 1981, pp. 4). Not only did they maintain their own schools, but the settlers printed newspapers and some legal instruments in their mother tongue (Wagner, 1980, pp. 30). It was during this period of the late 1700's that xenophobia, the fear of those who are alien or different, rose its ugly head in reaction to those who were not only racially different (as in the case of the Native American), but also to those who were different linguistically. English speaking settlers began to feel threatened. Benjamin Franklin in his Observations on the Increase of Mankind, wrote:

> . . . Why should Pennsylvania, founded by the English, become a colony of aliens who will shortly be so numerous as to germanize us instead of our anglifying them (Wagner, 1980, pp. 31)?

Franklin's sentiments have persisted throughout the centuries and resurface as strong as ever whenever the xenophobia of our English speaking ancestors rises.

During the late 1800's through World War I a massive wave of immigrants from northern Europe (Britain, Ireland, Germany, and Scandanavia) settled in America (Briske, 1981). These newcomers, again as in our early history, lived in segregated areas which comprised separate speech communities. Because the immigrants wielded political and economic power "Eleven states enacted legislation which facilitated instruction in languages other than English" (Garcia, 1976). While immigrants were not legally restricted from the use of their own languages in the schools, they were publicly encouraged and urged to drop their native tongues and convert to English (Wagner, 1981, pp. 32).

The latter part of the 19th century saw an upsurge of Spanish speaking immigrants in the American southwest. For the first time a group of immigrants, identifiable by color, established large communities within the borders of the U.S. Along with the Spanish speaking immigrants existed a large population of Spanish speaking non-immigrants in New Mexico (Wagner, 1981, pp. 33). According to Wagner, it was the culturally and linguistically diverse non-immigrant Americans (citizens) that spurred the English speaking citizens to mandate by law the use of English in the schools (1981, pp. 33).

> Desire to Americanize these people was reinforced by fears that they might pose a political threat to the unity of the United States if they remained loyal to their own traditions, including their mother tongue (Wagner, 1981, pp. 33).

A review of the literature pertinent to linguistic and educational diversity in education contains no evidence that Black dialect became an issue until the 1960's, when large scale integration of the public schools took place. Prior to that decade Black children were educated in Black schools with Black instructors and administrators at the helm. As in previous eras the language of instruction and learning was that of the speech community. The speech communities were composed of Americans of African, Carribean and slave descent. In general, Afro-American speakers were using verbal and non-verbal cues of the English language. However, those cues were governed by rules generated in both English and Afro-American speech communities.

As with other groups of people who used a language system different from General American English,[1] speakers of Black dialect/vernacular/English/Ebonics were advised to drop their home dialect and speak General American. A number of language programs were developed in order to "compensate for the deficit" in the language skills of Black speakers.

Summary

Up until the late 1800's the language of instruction and the language spoken by students was dictated by the culture of the community serviced by the school. Though public officials advised immigrants to use American English rather than their mother tongue, no legislation was enacted mandating English as the official language of education. However, an influx of immigrants from Northern Europe and Mexico during the mid to late 1800's began to change the face of America. Along with that influx, the French speaking inhabitants of the Louisiana Territory and the Spanish speaking people of New Mexico comprised a group large enough to wield considerable economic and political power in this country. At that point, xenophobia became an increasing factor and by the 1870's language legislation on the federal level reflected language legislation in 32 states mandating English as the only language of instruction (Brisk, 1981, pp. 6). Therefore, by 1920 people were being "screened from public employment and voting by required English tests" (Brisk, 1981, pp. 6). These conditions remained unchanged until the late '60's when cultural and linguistic minorities began to impact on the legislative and educational institutions.

Modern History of Legislation and Court Decisions Effecting Language Diversity in Education

There are five documents, written in the past 20 years, which are most influential in establishing the legal and ethical guidelines for teaching students who are linguistically different. The list includes the Civil Rights Act of 1964, the Equal Educational Opportunity Act of 1974, the Bilingual Education Act of 1977, the Lau vs. Nichols case of 1974, and the Ann Arbor Michigan vs. Martin Luther King Jr. Elementary case of 1979.

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[1] Language behavior acceptable in American business, education, politics and media.

The Civil Rights Act of 1964, the first of the documents, prohibits discrimination in federally aided programs. Section 601 of the Act bans "Discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance."

The Equal Educational Opportunity Act defines the parameters of students' rights in the educational setting. Section 202 (a) (1) reads, "All children enrolled in public school are entitled to equal educational opportunity without regard to race, color, sex or national origin." Furthermore, Section 204 (f) of the Educational Opportunity Act prohibits denial of educational opportunity due to ". . . the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs."

Title VII Section 105 (a) (1) of 1965 was enacted in order to insure the educational rights of bilingual students. In 1974 it was amended to read as follows:

Section 702 (a) Recognizing-

(1) that there are large numbers of children of limited English-speaking ability;

(3) that a primary means by which a child learns is through the use of such child's language and cultural heritage;

(5) that in addition, children of limited English-speaking ability benefit through the fullest utilization of multiple language and cultural resources.

The aforementioned public laws were the basis on which the Lau vs Nichols and the Ann Arbor decisions were made.

In 1974 the parents of Kinney Kinnon Lau brought a class action suit against officials of the San Francisco Unified School District on behalf of 1,800 Chinese American students who did not speak English. The charge was that these non-English speaking students of Chinese ancestry were denied equal educational opportunities because officials failed to establish a program to rectify the students' language problem. The North District Court of California and the U.S. Court of Appeals for the Ninth Circuit ruled against the plaintiffs. However, the United States Supreme Court reversed those decisions. Five justices ruled that the rights of the students were denied:

> Where the school district fails to establish a program to deal with the language problems of students of Chinese ancestry who do not speak English and who are thereby denied a meaningful opportunity to participate in the educational program.

The justices urged no specific remedies for the problem. However, they did state that the schools must provide some type of programming in order to fulfil the California Code 74 which mandates English as the language of instruction.

Tne Ann Arbor School Board vs. Martin Luther King Jr. Elementary School Children case revolved around eleven Black children who spoke Black dialect. The plaintiff alleged that the children had been denied equal participation in the instructional programs of the school. They could not participate in the programs because of the barrier presented by their language difference. School officials had taken no action to remove the barrier. Judge Joiner ruled in favor of the plaintiffs on the charge that appropriate action had not been taken to alleviate the problems caused by language differences. While the Supreme Court refrained from identifying appropriate action in the Lau case, Judge Joiner identified two actions to give relief to the plaintiffs.

Policy and Implementation

Judge Joiner, in his ruling in the Ann Arbor case, ordered the Ann Arbor School Board to "provide leadership and help for its teachers in learning about the existence of 'Black English' as a home and community language." Furthermore, teachers were ordered to "use that knowledge in teaching such students how to read standard English" (Civil Action No 7--71861). Of course the ruling in the Ann Arbor case in no way legally affects other states, but it does point the direction that other states might take in dealing with the student speaking multiple dialects.

The actions suggested by Judge Joiner are certainly not novel since any senior education major would know the significance of the home environment in teaching and motivating the students. Unfortunately, the cultural background of the students at Martin Luther King Jr. Elementary School, as in schools across the country, had been ignored.

Nicholas Bountress (1982) suggested several educational strategies implied by the Ann Arbor ruling.

1. Teachers need to recognize and react adequately to contrastive language patterns. They should know how to respond to dialects.

2. Schools should consider teaching English as a second language to Black dialect speakers.

3. Standardized test biases should be identified and results interpreted.

4. Need to determine what kinds of programs are best suited for minority students.

Thomas Pietras (1981), in a paper presented at the Annual Summer Reading Conference of Suburban Council of the International Reading Association, suggested that the following information should be contained in every language arts textbook from K-graduate school:

1. All languages, if they are living languages, change with time.

2. Any human infants exposed to language and not suffering from a physical, mental, or emotional handicap will learn that language.

3. The relationship between words in a language and their referents is arbitrary; analogic change, borrowing, and metaphor influence this relationship.

4. Concepts which can be expressed in one dialect of a language can be expressed in another dialect of that language.

5. No dialect of a language is inherently more elegant, more logical, more correct, or more crucial than any other dialect of the language, but situation and purpose relative to a specific communication act may require a certain form of the language.

6. Everyone speaks some dialect of a language, but most modern languages have a single written standard.

7. The grammatical differences among dialects of English are very small compared to what those dialects share.

8. The few grammatical differences among dialects are the result of historical, geographical, and social accident, not of any intrinsically superior logic, expressiveness, or intellectual worth.

9. The linguistically minor grammatical differences between certain dialects and standard English not so inexplicably carry great social weight.

10. If speakers of non-standard dialects do not learn to write coherently or clearly, it may be a consequence not of a few distinctive dialect features, but of teachers' failure to take into account what is known about the influence of dialect within the school environment. (pp. 6-7)

Smitherman (1979, pp. 206) suggested several directions for policy and planning in education.

1. Include study of Black language behavior in the curriculum from K-graduate school.

2. Endorsement of a moratorium on testing in Black communities (suggested by Association of Black Psychologists) until such time as adequate information has been gathered about Black communication acts and competencies.

3. Become more involved in establishing legislative policies dealing with language evaluation. Close monitoring of language intervention therapy for the Black child.

In order to implement these policies Smitherman (1979, pp. 209) suggests that the community be involved so that the community becomes knowledgeable about language matters. Secondly, she suggests that English teachers be required to receive training in language so that they can discard the myths and misconceptions they believe about the nature of language. As for the students, Smitherman (1979) suggests that they:

> Be taught to recognize the usefulness of varying registers and dialects and to be minimally competent in more than one. Development of communicative competence requires knowledge of the efficacy of different registers and forms in different contexts and an understanding of how language works in its natural settings (pp. 210).

Summary

Based on the public laws discussed in preceeding sections and rulings in the Lau and Ann Arbor cases, it appears that educators must be careful of systematic exclusion of culturally and/or linguistically different students from the learning experience. These students must not be excluded due to:

1. Their inability to understand the language of instruction or
2. The teachers' inability to appreciate the speech community from which a group of children come.

No student or group of students has a constitutional right to a specific educational experience, but each is protected by the legislation of this country from denial of access to education because of language barriers.

The major advantage to the body of laws and court rulings reviewed in this paper is that it makes school boards, administrators and teachers aware that they must take into account the linguistic history of the student. However, based on a limited understanding of the laws and rulings reviewed, there are inherent problems for the student not speaking "standard English." As long as state and federal laws mandate an official language of education and view the educational process as an attempt to Anglify students, the tendency will remain to stamp out or eradicate language differences. When those language differences are an integral part of a socio-cultural heritage, stamping out the language behavior is tantamount to stamping out the cultural identity. Until the educational process is no longer seen as a method of "standardizing" people, but a process of teaching people how to live and be free, the system will continue to attempt to standardize. As long as this prevails, students who are linguistically or culturally different from English speaking White middle class students will never achieve full participation in the American educational proces.

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